

**ZB# 05-53**

**Patriot Plaza  
(Lot Line Change)**

**4-2-21.12**

ZONING BOARD OF APPEALS  
TOWN OF NEW WINDSOR  
555 UNION AVENUE  
NEW WINDSOR, N.Y. 12553  
*Granted 9-26-05*

**OFFICE OF THE BUILDING INSPECTOR  
TOWN OF NEW WINDSOR  
ORANGE COUNTY, NEW YORK**

**NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION**

**DATE:** July 8, 2005

**APPLICANT:** Patriot Plaza Associates, LLC  
1 Executive Boulevard  
Yonkers, New York 10701

**PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE:** 7/7/05

**FOR :** Patriot Plaza Associates, LLC

**LOCATED AT:** 337 Union Avenue

**ZONE:** P.U.D. Sec/Blk/ Lot: 4-2-21.12

**DESCRIPTION OF EXISTING SITE:** Commercial Retail Center

**IS DISAPPROVED ON THE FOLLOWING GROUNDS:**

1. 300-32 D2 Approved maximum building height of 35' as listed under Use/Bulk Table NC Zone, Line 4 Column I, proposed cupola will be 47' above grade. A variance of 12' is required.

**COPY**

  
**BUILDING INSPECTOR**

**PERMITTED**

**PROPOSED OR  
AVAILABLE:**

**VARIANCE  
REQUEST:**

**ZONE: P.U.D. USE: RETAIL**

**MIN LOT AREA:**

**MIN LOT WIDTH:**

**REQ'D FRONT YD:**

**REQ'D SIDE YD:**

**REQ'D TOTAL SIDE TD:**

**REQ'D REAR YD:**

**REQ'D FRONTAGE:**

**MAX BLDG HT: 35'**

**47'**

**12'**

**FLOOR AREA RATIO:**

**MIN LIVABLE AREA:**

**DEV COVERAGE:**

**cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP**



PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS  
**IMPORTANT**  
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and under slab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway pond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and percolation test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

FOR OFFICE USE ONLY:  
Building Permit #: 2005-663

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS  
REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises Patriot Plaza Associates, LLC

Address 1 Executive Blvd, Yonkers NY 10701 Phone # 845-563-7134

Mailing Address 176 Windsor Highway Near Windsor NY Phone # 845-565-8383  
12553

Name of Architect Dan Simone, PE

Address 33 Main St. South Salem, NY 10590 Phone \_\_\_\_\_

Name of Contractor Patriot Plaza Associates, LLC

Address 1 Executive Blvd, Yonkers NY 10701 Phone 845 563-7134

State whether applicant is owner, lessee, agent, architect, engineer or builder \_\_\_\_\_

If applicant is a corporation, signature of duly authorized officer. \_\_\_\_\_

(Name and title of corporate officer)

1. On what street is property located? On the South side of Rt. 32  
(N, S, E or W)  
and Union Ave feet from the intersection of \_\_\_\_\_

2. Zone or use district in which premises are situated Commercial is property a flood zone? Y N &

3. Tax Map Description: Section 4 Block 2 Lot 21.12

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy NONE

b. Intended use and occupancy Commercial Retail Center

5. Nature of work (check if applicable) ☐ New Bldg. ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☒ Other

6. Is this a corner lot? NO

Variance for cupola

7. Dimensions of entire new construction. Front 200' Rear 200' Depth 75' Height 37' No. of stories 1

8. If dwelling, number of dwelling units: \_\_\_\_\_ Number of dwelling units on each floor \_\_\_\_\_

Number of bedrooms \_\_\_\_\_ Baths \_\_\_\_\_ Toilets \_\_\_\_\_ Heating Plant: Gas \_\_\_\_\_ Oil \_\_\_\_\_  
Electric/Hot Air \_\_\_\_\_ Hot Water \_\_\_\_\_ If Garage, number of cars \_\_\_\_\_

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use retail

10. Estimated cost 600,000.00

Fee 50 **PAID**

**ZONING BOARD**

Ch# 003073

date

**APPLICATION FOR BUILDING PERMIT**  
**TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK**  
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock  
Asst. Inspectors: Frank Liel & Louis Kryshear  
New Windsor Town Hall  
555 Union Avenue  
New Windsor, New York 12553  
(845) 563-4618  
(845) 563-4895 FAX

Bldg Insp Examined \_\_\_\_\_  
Fire Insp Examined \_\_\_\_\_  
Approved \_\_\_\_\_  
Disapproved \_\_\_\_\_  
Permit No. \_\_\_\_\_

**INSTRUCTIONS**

- A. This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

*John P. Smith*  
(Signature of Applicant)

*WJM*

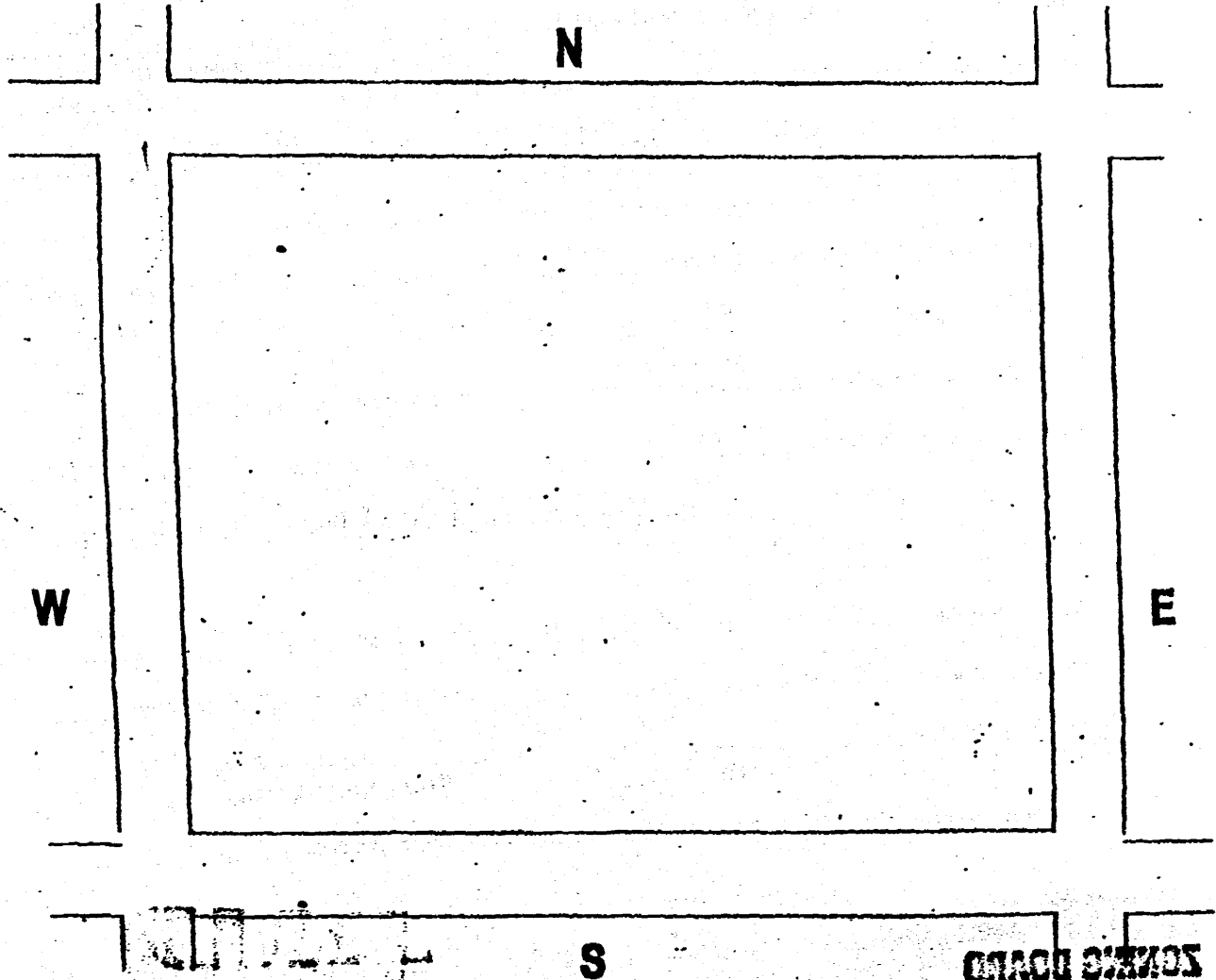
(Address of Applicant)

(Owner's Signature)

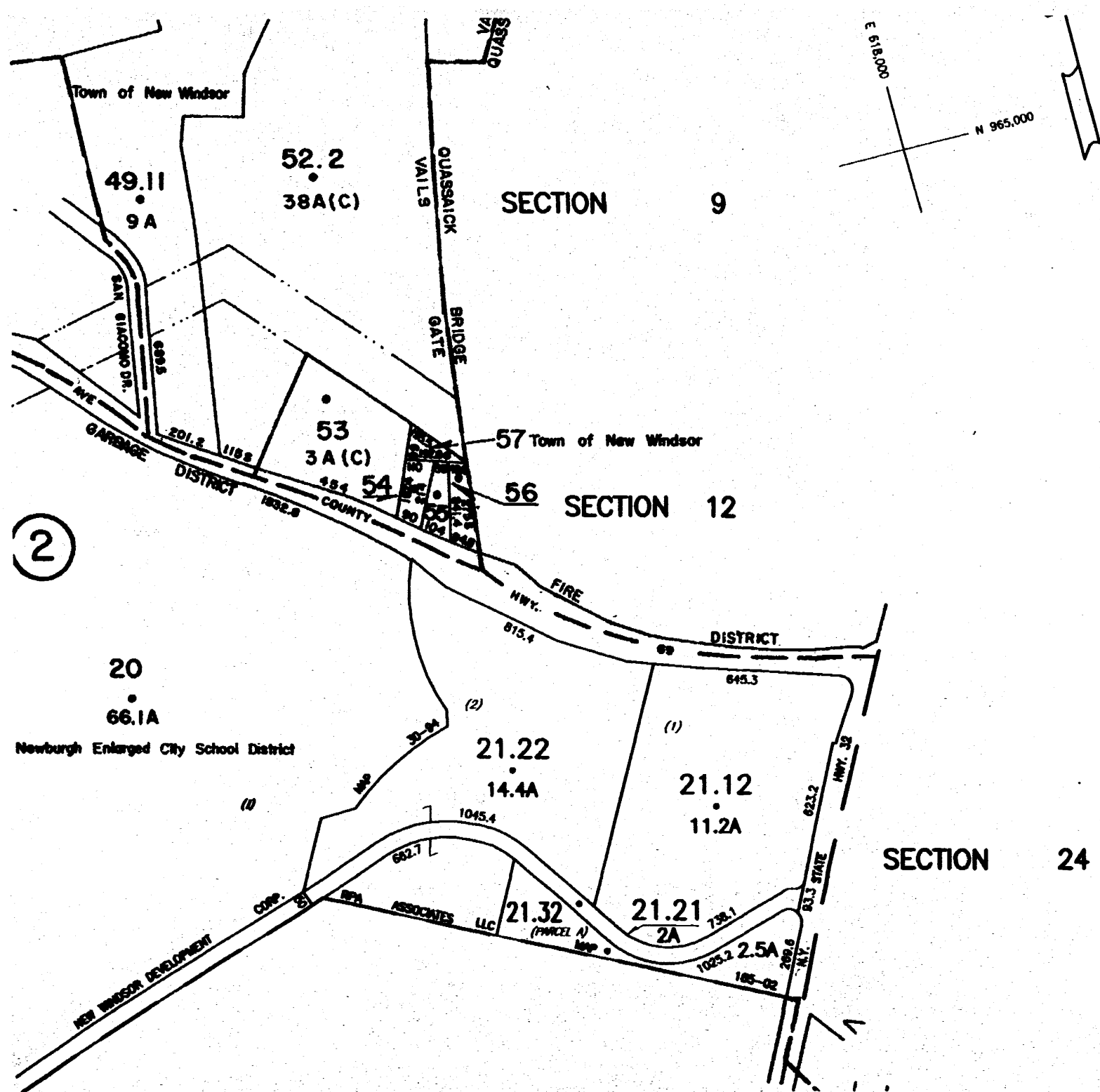
# PLOT PLAN

## NOTE:

Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.



SEALING BOARD



2

20  
66.1A  
Newburgh Enlarged City School District

NEW WINDSOR DEVELOPMENT  
CORP.  
RPA  
ASSOCIATES LLC  
STATE  
HWY. 32  
HWY. 33  
1025.2  
105-02  
200.6  
736.1  
1045.4  
682.7  
30-04  
1832.8  
454  
1158  
201.2  
699.5  
SAN GIACOMO DR.  
GARBAGE DISTRICT  
FIRE HWY.  
DISTRICT  
HWY. 32  
HWY. 33

SECTION 9

SECTION 12

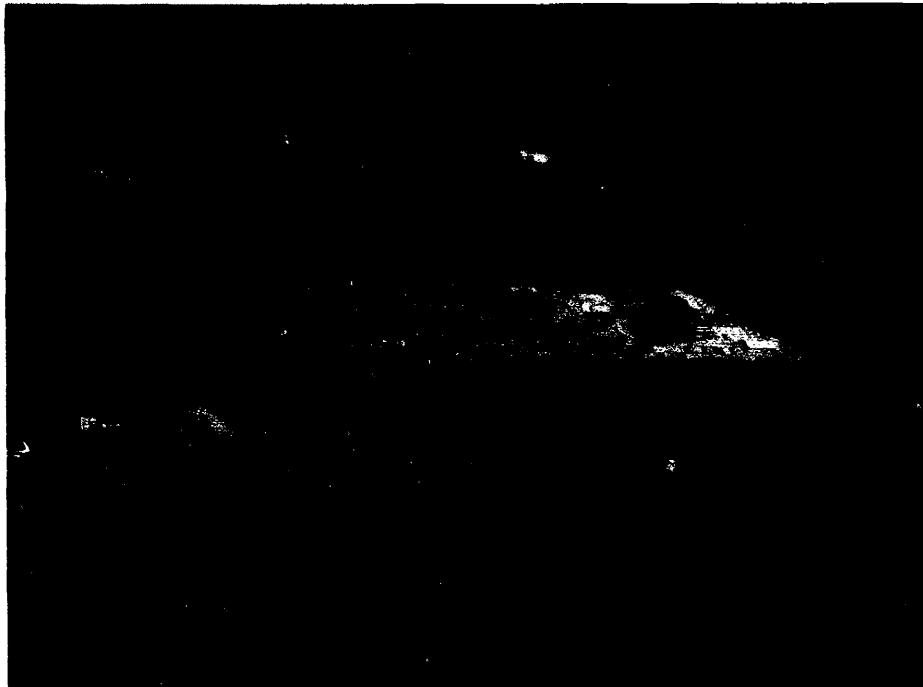
SECTION 24

# Patriot Plaza

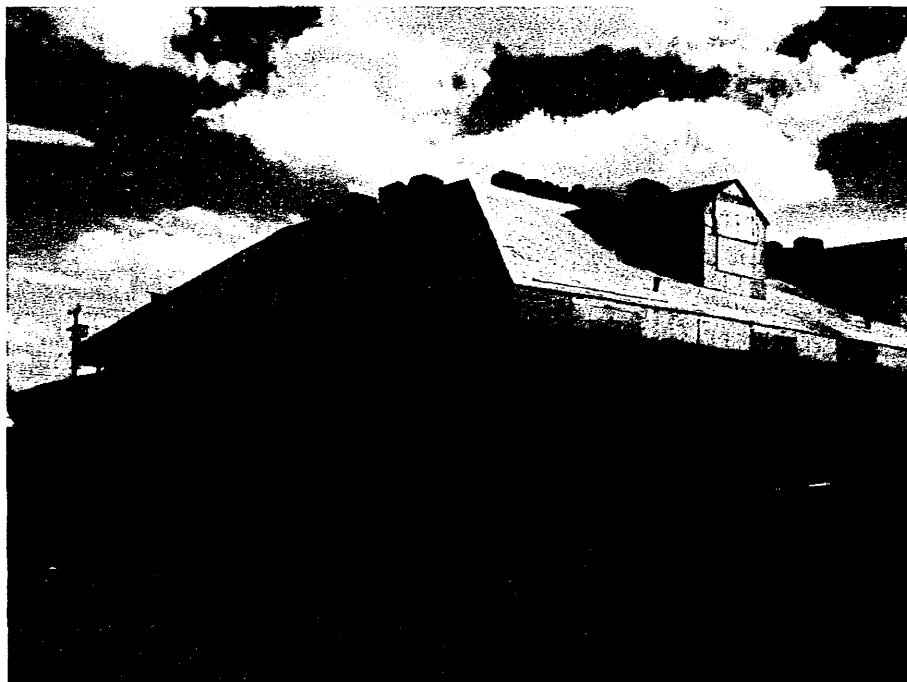
Town Of New Windsor  
Orange County, New York



# Patriot Plaza Retail Building No. 1



West Elevation From Retail Site



North Elevation From Retail Site

# Patriot Plaza Retail Building No. 1



East Elevation From Windsor Highway



South Elevation From Epiphany Drive





# **Town of New Windsor**

**555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4689**

## **OFFICE OF THE ZONING BOARD OF APPEALS**

January 17, 2006

Patriot Plaza Associates, LLC  
One Executive Blvd.  
Yonkers, NY 10701

**SUBJECT: REQUEST FOR VARIANCE #05-53**

Dear Sir:

Please find enclosed two copies of the Formal Decision for your case before the Zoning Board of Appeals. Please keep these copies in your records for future reference if needed.

If you are in need of any further assistance or have any questions in this matter, please feel free to contact me at the above number.

Very truly yours,

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**Myra Mason, Secretary to the  
NEW WINDSOR ZONING BOARD**

**MLM:mlm**

**cc: Michael Babcock, Building Inspector**

NEW WINDSOR ZONING BOARD OF APPEALS

SBL: 4-2-21.12

In the Matter of the Application of  
**PATRIOT PLAZA ASSOCIATES, LLC.**

MEMORANDUM OF  
DECISION GRANTING

**AREA**

CASE #05-53

**WHEREAS, Gregory Shaw, P.E. represented the , owner(s) of 337 Union Avenue, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an Request for 12 ft. Maximum Building Height for proposed Cupola on commercial retail center at 337 Union Avenue in a PUD Zone (4-2-21.12)**

**WHEREAS, a public hearing was held on September 26, 2005 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and**

**WHEREAS, the Applicant was represented by Gregory Shaw, P.E. who appeared on behalf of this Application; and**

**WHEREAS, there were three spectators present at the public hearing; and**

**WHEREAS, one person spoke in favor of, no person spoke in opposition to the Application and two persons had questions which were answered; and**

**WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and**

**WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:**

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Times Herald Record, also as required by law.
2. The Evidence presented by the Applicant showed that:
  - (a) The property is a commercial property located on a busy commercial highway containing other commercial properties and some residential property and some multi-family residential property.

- (b) The applicant has constructed a strip shopping mall under a single roof and the purpose of the application is to allow a cupola to be constructed on top of the roof.
- (c) The building is down-slope from a multi-family residential structure. According to the testimony of members of the audience, the proposed cupola would not interfere with the view of the Hudson River enjoyed by residents of the multi-family development.
- (d) The main roof of the structure is within the height limits of the New Windsor Zoning Law and the variance is sought merely to construct a decorative cupola on top of the structure.

**WHEREAS,** The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance(s) will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant that can produce the benefits sought.
3. The variance(s) requested is/are substantial in relation to the Town regulations but, nevertheless, are warranted.
4. The requested variance(s) will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is/are self-created but, nevertheless, should be allowed.
6. The benefit to the Applicant, if the requested variance(s) is/are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance(s) are/is appropriate and are/is the minimum variance(s) necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
8. The interests of justice will be served by allowing the granting of the requested area variance(s).

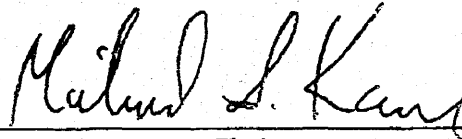
**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a Request for 12 ft. Maximum Building Height for proposed Cupola on commercial retail center at 337 Union Avenue in a PUD Zone (4-2-21.12) as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

**BE IT FURTHER**

**RESOLVED**, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and/or Building Inspector and Applicant.

Dated: September 26, 2005

A handwritten signature in cursive script, reading "Michael S. Kany", is written over a horizontal line.

Chairman

**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS  
OFFICE  
845-563-4615**

**MEMORANDUM**

**TO: LARRY REIS, COMPTROLLER**  
**FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD**  
**DATE: 10/24/05**  
**SUBJECT: ESCROW REFUND**

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 343.28 TO CLOSE OUT  
ESCROW FOR:**

**ZBA FILE #05-53**

**NAME & ADDRESS:**

**Patriot Plaza Associates, LLC  
One Executive Blvd.  
Yonkers, NY 10701**

**THANK YOU,**

**MYRA**

**L.R.10/24/05**



**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS  
RECORD OF CHARGES & PAYMENTS**



FILE #05-53      TYPE: AREA      TELEPHONE: 914-965-3990

**APPLICANT:**

Patriot Plaza Associates, LLC  
One Executive Blvd.  
Yonkers, NY 10701

RESIDENTIAL:	\$ 50.00	CHECK # _____
COMMERCIAL	\$ 150.00	CHECK # <u>3103</u>
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW:      COMMERCIAL \$500.00      CHECK # 3102



<u>DISBURSEMENTS:</u>		<u>MINUTES</u>	<u>ATTORNEY</u>
		<u>\$5.50 / PAGE</u>	<u>FEE</u>

PRELIMINARY:	<u>2</u>	PAGES	<u>\$11.00</u>	<u>\$35.00</u>
2 <sup>ND</sup> PRELIMINARY:	—	PAGES	<u>\$</u>	<u>\$</u>
PUBLIC HEARING:	<u>5</u>	PAGES	<u>\$27.50</u>	<u>\$35.00</u>
PUBLIC HEARING:	—	PAGES	<u>\$</u>	<u>\$</u>

LEGAL AD: Publish Date: 9/10/05      \$48.22

TOTAL:      \$86.72      \$70.00



ESCROW POSTED:      \$ 500.00  
LESS: DISBURSEMENTS:      \$156.72

AMOUNT DUE:      \$ \_\_\_\_\_

REFUND DUE:      \$343.28

Cc:

L.R. 10/24/05

PATRIOT\_PLAZA\_ASSOCIATES, LLC\_(05-53)

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Gregory Shaw of Shaw Engineering appeared before the board for this proposal.

MR. KANE: Request for 12 ft. maximum building height for proposed cupola on commercial retail center at 337 Union Avenue in a PUD zone.

MR. SHAW: Good evening, my name is Greg Shaw with Shaw Engineering tonight representing Patriot Plaza Associates LLC. The variance before the board tonight is for building height variance on the structure that's presently under construction. This building received approval from the planning board in June of 2004 with that all associated site improvements, we're requesting a variance of 12 feet with 35 feet being the threshold number that we're exceeding. The total variance again is 12 feet and primarily the bulk of that is for the cupola which is sitting on top of the building and the cupola is an architectural feature which was incorporated into the design of the building so it would match the cupola of the Heritage Middle School behind it. I'd like to point out to the board that this project kind of got stuck in time a little bit. Back in 1990-91, the Town Board granted a special permit for this site where it is not within a specific zone, it's within a PUD and that reference was made in the environmental review documents to a maximum building height of 35 feet while to the best of my knowledge that was not specified. Over time the zoning within the Town of New Windsor changed, this is purely a commercial building within a commercial zone, this site is 11 acres and it's ultimately going to situate three commercial structures totaling about 80,000 square feet. Zoning was changed in New Windsor for building height not to be set at 35 feet but is currently in a commercial zone 12 inches per foot to the nearest lot line with this structure being 64 feet from the nearest lot line that being Union Avenue, if

it was in a C zone before the board today we'd be allowed a total of 64 feet in height. We're proposing a building height of 47 feet, 12 feet in excess of what was referred to in the environmental review documents, therefore, the need to come before this board and ask for a variance. The structure is I think it will be an asset to the Town of New Windsor, it does have planning board approval along with all associated improvements such as landscaping, et cetera. And with that, we're asking this board to grant us the 12 foot building height variance tonight. Thank you.

MR. KANE: It's pretty straightforward I remember from the preliminary meeting. What I'm going to do is jump right now to the public and open the public portion of the meeting, see if anybody's here for this particular hearing. What I need you to do, come up, state your name and address.

MR. WELNER: My name is William Welner, W-E-L-N-E-R, I live at 1009 Ethan Allen Drive in Patriot Ridge. Can I take a look at the map? I happen to be a freshman here, what all you intend to do is go 12 feet higher?

MR. SHAW: That's correct without the cupola.

MR. WELNER: Other structures going up in that location?

MR. SHAW: There will be other structures proposed, presently there are two other structures when added to the square footage of this building which I believe is 12,000 square feet it will total approximately 80,000 square feet.

MR. WELNER: This is going to match the one on the other roof is that it?

MR. SHAW: That's what the intent is.



MR. WELNER: I don't have any problems with that.

MR. KANE: So you're either for or against it? You have no problem?

MR. WELNER: I'm for.

MR. KANE: Thank you very much. Ma'am?

MS. SULLIVAN: My name is Janet Sullivan and I live at 205 Windsor Highway, New Windsor. And I was just curious to see what was going on.

MR. KANE: Greg, can you show her what we're building?

MR. SHAW: What we have is a maximum building height that's permitted within this zone of 35 feet, I believe the ridge is 36 feet, so presently we're one foot above the building height that's allowed, the height of the structure determined by the highest point which is not the ridge line but it's the top of the cupola. So, therefore, from the ground elevation to the top of the cupola the structure will be 47 feet where 35 feet is referred to in the environmental documents which is the threshold this board is working with, therefore, we're asking for a variance of 12 feet, 35 feet which is permitted and 12 foot variance would allow us to build to a height of 47 feet which is the top of the structure. The top of the ridge which is what you're looking at as you drive by the structure is presently two feet above the 35 foot threshold.

MS. SULLIVAN: What is this used for?

MR. SHAW: Retail building.

MS. SULLIVAN: To add to the already congested area?

MR. KANE: The building is already there, just a matter--

MS. SULLIVAN: I know it's there, it's right across the street from where I live.

MR. SHAW: This structure does have approval from the planning board. The only thing that's really before the board tonight is the height of the structure and whether the cupola is added to the architecture of the building or actually detracts from the area, that's the issue before the board.

MS. SULLIVAN: Okay.

MR. KANE: Do you have an opinion ma'am, yes, no?

MS. SULLIVAN: No, not right now.

MR. KANE: Thank you. Ma'am, your name and address?

MS. MACRAY: Elizabeth Macray (phonetic), 1025 Ethan Allen Drive, New Windsor. Just wanted to see what I'm looking at, I'm for it, I think it looks nice especially with the school.

MR. KANE: You're for it?

MS. MACRAY: Yes.

MR. KRIEGER: Before you sit down, ma'am, just one question, from your place on Ethan Allen Drive, can you see the river?

MS. MACRAY: No.

MR. KRIEGER: Are there places around there that they have a view of the river?

MS. MACRAY: Yes.

MR. KRIEGER: And you don't think this will interfere

with that?

MS. MACRAY: Absolutely not, not from where the buildings are, from where the houses are.

MR. KRIEGER: Thank you.

MR. KANE: Anybody else for this particular hearing? At this point we'll close the public portion of the hearing, bring it back to the board. Any further questions guys? Do you have any questions? I'm going to ask my how many mailings we had.

MS. MASON: On the 13th of September, I mailed out 91 envelopes and had no response.

MR. KANE: I'll accept a motion.

MR. BROWN: I'll make a motion that we grant Patriot Plaza Associates' request for a variance for 12 foot maximum building height for proposed cupola on commercial retail center at 337 Union Avenue in a PUD zone.

MS. LOCEY: Second the motion.

ROLL CALL

MS. GANN	AYE
MS. LOCEY	AYE
MR. BROWN	AYE
MR. MC DONALD	AYE
MR. KANE	AYE

PATRIOT\_PLAZA\_ASSOCIATES\_LLC\_(05-53)

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MR. KANE: Request for 12 ft. maximum building height for proposed cupola on commercial retail center at 337 Union Avenue.

Mr. Thomas Perna appeared before the board for this proposal.

MR. PERNA: My name is Thomas Perna of Patriot Plaza Associates. I'm the builder/developer of the shopping center on the corner of Union Avenue and 32. We're building the building, the building is basically roofed out, the roof is done and it came to our attention to measure the building, we find out the height of the building is 36 feet high. Your code is 35. Our plan calls for a cupola on the top of the building so we're asking for a variance of some 12 feet which will include the cupola.

MR. KANE: So we need a foot for the building approximately?

MR. PERNA: And the reason we're asking for cupola is because it matches.

MR. KANE: Actually matches the school.

MR. PERNA: And again it would match the buildings.

MR. REIS: The cupola will not be impacting the sight of the townhomes to the rear?

MR. PERNA: No, actually, we have spoken to the homeowners who are living there and in fact it cuts off their view of 32, they look over the top.

MR. KRIEGER: Don't cut off their view of the river, just of 32.

MR. PERNA: Cuts off the sight of the traffic.

MS. GANN: Is there a use for that or just for--

MR. PERNA: Just for ornamental.

MR. KANE: Anybody have any other questions? I think it's a good point, I think it will look good.

MS. GANN: Accept a motion?

MR. KANE: Yes, I will.

MS. GANN: I'd like to offer a motion that we set up Patriot Plaza Associates for a public hearing for request for 12 foot maximum building height for the proposed cupola on commercial retail center at 337 Union Avenue.

MR. MC DONALD: Second it.

ROLL CALL

MS. GANN	AYE
MR. MC DONALD	AYE
MR. REIS	AYE
MR. KANE	AYE



RESULTS OF Z.B.A. MEETING OF: September 26, 2005

PROJECT: Patrist Plaza L.L.C. ZBA # 05-53  
P.B.#

**P.B.#**

**USE VARIANCE:      NEED: EAF \_\_\_\_\_ PROXY**

LEAD AGENCY: M)\_\_\_\_\_S)\_\_\_\_\_ VOTE: A\_\_\_\_N\_\_\_\_

GANN	_____	
LOCEY	_____	
BROWN	_____	
MCDONALD	_____	CARRIED: Y____N____
REIS	_____	
KANE	_____	

**PUBLIC HEARING: M)**\_\_\_\_\_ **S)**\_\_\_\_\_ **VOTE: A**\_\_\_\_ **N**\_\_\_\_\_

GANN	_____	
LOCEY	_____	
BROWN	_____	
MCDONALD	_____	CARRIED: Y_____N_____
REIS	_____	
KANE	_____	

**NEGATIVE DEC:** M)\_\_\_\_\_S)\_\_\_\_\_ **VOTE:** A\_\_\_ N\_\_\_

GANN \_\_\_\_\_  
LOCEY \_\_\_\_\_  
BROWN \_\_\_\_\_  
MCDONALD \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_  
REIS \_\_\_\_\_  
KANE \_\_\_\_\_

APPROVED: M)\_\_\_\_S)\_\_\_\_ VOTE: A\_\_\_\_N\_\_\_\_

GANN \_\_\_\_\_  
LOCEY \_\_\_\_\_  
BROWN \_\_\_\_\_  
MCDONALD \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_  
REIS \_\_\_\_\_  
KANE \_\_\_\_\_

**ALL VARIANCES - PRELIMINARY APPEARANCE:**

**SCHEDULE PUBLIC HEARING:** M)\_\_\_ S)\_\_\_ VOTE: A\_\_\_ N\_\_\_

GANN \_\_\_\_\_  
LOCEY \_\_\_\_\_  
BROWN \_\_\_\_\_  
MCDONALD \_\_\_\_\_  
REIS \_\_\_\_\_  
KANE \_\_\_\_\_

CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

**PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES ✓**

**VARIANCE APPROVED:** M) 8 S) L VOTE: A 5 N 0 .

GANN	A
LOCEY	A
BROWN	A
MC DONALD	A
<del>XXXXXXXXXX</del>	
KANE	A

**CARRIED: Y\_\_\_\_\_N\_\_\_\_\_.**

[illegible]

TOWN OF NEW WINDSOR ZONING BOARD OF APPEALS

PUBLIC HEARING FOR: Patriot Plaza L.L.C

DATE: 9-26-05

SIGN-IN SHEET

	NAME	ADDRESS	PHONE NUMBER
1.	<u>William Welser</u>	<u>1009 Ethan Alan Drive</u>	<u>- No Problem</u>
2.	<u>Ganet Sullivan</u>	<u>205 Windsor Hwy</u>	<u>- No Opinion</u>
3.	<u>Eliz Macary</u>	<u>1025 Ethan Alan Drive</u>	<u>- No Problem</u>
4.			
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**ZONING BOARD OF APPEALS: TOWN OF NEW WINDSOR  
COUNTY OF ORANGE: STATE OF NEW YORK**

**PATRIOT PLAZA ASSOCIATES, LLC**

**#05-53**

# X


STATE OF NEW YORK )  
 ) SS:  
COUNTY OF ORANGE )

That I am not a party to the action, am over 18 years of age and reside at 67 Bethlehem Road, New Windsor, NY 12553.

That on the 13TH day of **SEPTEMBER**, 2005, I compared the **91** addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor's Office regarding the above application for a variance and I find that the addresses are identical to the list received. I then placed the envelopes in a U.S. Depository within the Town of New Windsor.

*Myra Mason*  
Myra L. Mason, Secretary

13<sup>th</sup> day of September, 2005

  
Notary Public

**JENNIFER MEAD**  
**Notary Public, State Of New York**  
**No. 01ME6050024**  
**Qualified in Orange County**  
**Commission Expires 10/30/2006**





# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4631  
Fax: (845) 563-3101

## Assessors Office

August 26, 2005

Patriot Plaza Associates, LLC  
c/o Daniel Simone, P.E.  
33 Main Street  
South Salem, NY 10590

Re: 4-2-21.12 ZBA#: 05-53 (91)

Dear Mr. Simone:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.


The charge for this service is \$115.00, minus your deposit of \$25.00.

Please remit the balance of \$90.00 to the Town Clerk's Office.

Sincerely,

J. Todd Wiley, IAO  
Sole Assessor

JTW/tmp  
Attachments



**Section 88**

Windsor Crest Homeowners Assoc.  
c/o Archway Management, Inc.  
P.O. Box 454  
Central Valley, NY 10917  
12-1-23  
Ofer Avgush  
4 Hillside Avenue  
New Windsor, NY 12553

12-1-28 & 29  
Martine Dacilas Laguerre  
15 Hillside Avenue  
New Windsor, NY 12553

12-1-33  
Wilma & Cory Anzalone  
27 Hillside Avenue  
New Windsor, NY 12553

12-1-46.1  
Jonle Enterprises, Inc.  
354 Union Avenue  
New Windsor, NY 12553

12-2-2 & 3  
David Sarinsky  
298 Union Avenue  
New Windsor, NY 12553

24-1-1-4, 24 & 25  
Amelia Baez  
Almalina Ledesma  
175 Windsor Highway  
New Windsor, NY 12553

24-1-7.1  
Joel & Nancy Barker  
187 Windsor Highway  
New Windsor, NY 12553

24-1-14 & 15  
Melissa DiGiacomo  
191 Windsor Highway  
New Windsor, NY 12553

24-2-1  
Joan Thiele  
222 Daniher Avenue  
New Windsor, NY 12553

**Section 92**

Patriot Ridge Development, LLC  
ATT: AVR Realty Co.  
1 Executive Blvd  
Yonkers, NY 10701  
12-1-24  
Louis & Kathleen Antonelli  
3 Hillside Avenue  
New Windsor, NY 12553

12-1-30  
Erik Cutroneo  
19 Hillside Ave - Apt 3  
New Windsor, NY 12553

12-1-42  
Frank & Antonelli  
360 Union Avenue  
New Windsor, NY 12553

12-1-48  
Central Hudson Gas & Electric  
284 South Avenue  
Poughkeepsie, NY 12602

12-2-4  
Gertrude Sarinsky  
294 Union Avenue  
New Windsor, NY 12553

24-1-5  
John & Rose Mitchell  
228 James Street  
New Windsor, NY 12553

24-1-11 & 16  
John Evans  
Cathleen Perren  
189 Windsor Highway  
New Windsor, NY 12553

24-1-21  
Linda & Ronald LeMin  
181 Windsor Highway  
New Windsor, NY 12553

24-2-2  
Jeanette & Joseph Martinez  
224 Daniher Avenue  
New Windsor, NY 12553

**4-2-21.21 & 4-2-21.32**

RPA Assoc., LLC  
AVR-RPA Development, LLC  
c/o AVR Realty Co.  
1 Executive Blvd  
Yonkers, NY 10701  
12-1-27 & 49  
John Antonelli  
Frank Antonelli, Sr.  
4 Cedar Court  
Palm Coast, FL 32137  
12-1-31 & 32  
Nicholas Cracolici  
23 Hillside Avenue  
New Windsor, NY 12553

12-1-44.1  
Ruth & Richard Cecchetelli  
356 Union Avenue  
New Windsor, NY 12553

12-2-1  
Orwest New Windsor, Inc.  
c/o Ralph DiBart  
400 Central Park West - #7R  
New York, NY 10025

12-2-5  
David & Jacie Sarinsky  
298 Union Avenue  
New Windsor, NY 12553

24-1-6  
Edith Sambells  
230 James Street  
New Windsor, NY 12553

24-1-13.1  
Elaine & Michael Veneziali, Sr.  
233 Wall Place  
New Windsor, NY 12553

24-1-22.1  
Javier Sabillon  
179 Windsor Highway  
New Windsor, NY 12553

24-2-3  
William & Marie Murphy  
228 Daniher Avenue  
New Windsor, NY 12553

24-2-6

William Adams  
Marion Adams  
232 Daniher Avenue  
New Windsor, NY 12553

24-2-10

Anjel & Laura Perez  
246 Daniher Avenue  
New Windsor, NY 12553

24-2-15

Truman Adams  
13 Boulevard  
Cornwall-On-Hudson, NY 12520

24-3-18

Robert & Margaret Ponesse  
246 Parkway Drive  
New Windsor, NY 12553

24-3-21

Robert & Lyndsay Hodge  
197 Windsor Highway  
New Windsor, NY 12553

24-3-23

Christine Feroli  
Helen Macy  
234 Wall Place  
New Windsor, NY 12553

92-1-1.-1

James & Maria Massi  
1001 Ethan Allen Drive  
New Windsor, NY 12553

92-1-1.-4

Carroll Georgens  
1007 Ethan Allen Drive  
New Windsor, NY 12553

92-1-1.-7

Hugh & Jean Keahon  
1013 Ethan Allen Drive  
New Windsor, NY 12553

92-1-1.-10

Richard & Veronica Trifilo  
1019 Ethan Allen Drive  
New Windsor, NY 12553

24-2-8

Tracy Bielenberg  
Giuseppe DiBella  
238 Daniher Avenue  
New Windsor, NY 12553

24-2-11 & 12

Audrey & Michael Fusco, Jr.  
245 James Street  
New Windsor, NY 12553

24-2-16, 17 & 18

Diane & Donald McKee, Jr.  
227 James Street  
New Windsor, NY 12553

24-3-19

Angelo & Carmela Schettini  
248 Parkway Drive  
New Windsor, NY 12553

24-3-22.1

John Terrizzi  
P.O. Box 4735  
New Windsor, NY 12553

24-3-24

Wayne Steele  
236 Wall Place  
New Windsor, NY 12553

92-1-1.-2

Heidi Tannenbaum  
1003 Ethan Allen Drive  
New Windsor, NY 12553

92-1-1.-5

William Welner  
1009 Ethan Allen Drive  
New Windsor, NY 12553

92-1-1.-8

Barbara Connelly  
1015 Ethan Allen Drive  
New Windsor, NY 12553

92-1-1.-11

Edward Patterson  
1012 Ethan Allen Drive  
New Windsor, NY 12553

24-2-9

Cheryl Ann McCann  
242 Daniher Avenue  
New Windsor, NY 12553

24-2-13 & 14

William & Joann Nyborg  
239 James Street  
New Windsor, NY 12553

24-3-1

Genevieve Thompson  
293 Union Avenue  
New Windsor, NY 12553

24-3-20

Anna Cleaves  
254 Parkway Drive  
New Windsor, NY 12553

24-3-22.2

Robert Parker, Sr.  
232 Wall Place  
New Windsor, NY 12553

24-9-1

Frank AJ Manthey, JR., Ruth Curley  
Robert Manthey, Janet Sullivan  
205 Windsor Highway  
New Windsor, NY 12553

92-1-1.-3

Lorraine Iorio  
1005 Ethan Allen Drive  
New Windsor, NY 12553

92-1-1.-6

Susanna Primakoff  
1011 Ethan Allen Drive  
New Windsor, NY 12553

92-1-1.-9

John & Christine Diopoulos  
1017 Ethan Allen Drive  
New Windsor, NY 12553

92-1-1.-12

Marvin & Lynn Richardson  
1014 Ethan Allen Drive  
New Windsor, NY 12553

92-1-1.-13  
Estelle Lipp  
1016 Ethan Allen Drive  
New Windsor, NY 12553

92-1-1.-16  
Micheal & Carol Schwartz  
2002 John Jay Court  
New Windsor, NY 12553

92-1-1.-19  
Donna Huston  
2008 John Jay Court  
New Windsor, NY 12553

92-1-1.-22  
Robert & Lori Goldstein  
2014 John Jay Court  
New Windsor, NY 12553

92-1-1.-25  
Phillip & Rachael Skigen  
2011 John Jay Court  
New Windsor, NY 12553

92-1-1.-28  
Clara Locey  
2017 John Jay Court  
New Windsor, NY 12553

92-1-1.-31  
Katherine Jones  
2001 John Jay Court  
New Windsor, NY 12553

92-1-1.-34  
Marilyne Natkiel  
2007 John Jay Court  
New Windsor, NY 12553

92-1-1.-37  
Georgia Sullivan  
3002 Patrick Henry Court  
New Windsor, NY 12553

92-1-1.-65  
Shirley Maguire  
1021 Ethan Allen Drive  
New Windsor, NY 12553

92-1-1.-14  
Joseph & Irene Nunnari  
1018 Ethan Allen Drive  
New Windsor, NY 12553

92-1-1.-17  
Marsha Bryan  
2004 John Jay Court  
New Windsor, NY 12553

92-1-1.-20  
Silverio & Virginia Albano  
2010 John Jay Court  
New Windsor, NY 12553

92-1-1.-23  
Giovanni Ordonez  
Diana Natal Ordonez  
2016 John Jay Court  
New Windsor, NY 12553

92-1-1.-26  
Alfred & Eileen Ferrara  
2013 John Jay Court  
New Windsor, NY 12553

92-1-1.-29  
Robyn Skrypek  
2019 John Jay Court  
New Windsor, NY 12553

92-1-1.-32  
Debra Johnson  
Margaret Conacchio  
2003 John Jay Court  
New Windsor, NY 12553

92-1-1.-35  
Lawrence Lissauer  
2009 John Jay Court  
New Windsor, NY 12553

92-1-1.-38  
Kathleen VanEtten  
3004 Patrick Henry Court  
New Windsor, NY 12553

92-1-1.-66  
Victor & Jeanette Alicea  
1023 Ethan Allen Drive  
New Windsor, NY 12553

92-1-1.-15  
Kevin & Leslie Cabanas  
2000 John Jay Court  
New Windsor, NY 12553

92-1-1.-18  
Frances D'Alessandro  
2006 John Jay Court  
New Windsor, NY 12553

92-1-1.-21  
Harry Steinway  
2012 John Jay Court  
New Windsor, NY 12553

92-1-1.-24  
Donna Acosta  
2018 John Jay Court  
New Windsor, NY 12553

92-1-1.-27  
Alyson McCarroll  
2015 John Jay Court  
New Windsor, NY 12553

92-1-1.-30  
Ronald & Lucy Sherman  
2021 John Jay Court  
New Windsor, NY 12553

92-1-1.-33  
Up From The Ashes, Inc.  
37-88 Review Avenue  
Long Island City, NY 11101

92-1-1.-36  
Brenda & Antonio Hibbert, Jr.  
3000 Patrick Henry Court  
New Windsor, NY 12553

92-1-1.-39  
Desmond & Mary Keegan  
3006 Patrick Henry Court  
New Windsor, NY 12553

92-1-1.-67  
Elizabeth Macri  
1025 Ethan Allen Drive  
New Windsor, NY 12553

92-1-1-68

Candice Casaly

1027 Ethan Allen Drive

New Windsor, NY 12553

**Town of New Windsor**  
**ZONING BOARD OF APPEALS**  
**PUBLIC HEARING NOTICE**

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

Appeal No. 05-53  
 Request of PATRIOT PLAZA ASSOCIATES LLC.

for a VARIANCE of the Zoning Local Law to Permit:

Request for 12 ft. Maximum Building Height for proposed Cupola on commercial retail center at 337 Union Avenue in a PUD Zone (4-2-21.12)

PUBLIC HEARING will take place on September 26, 2005 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 P.M.

MICHAEL KANE  
 CHAIRMAN

**Ad Number: 1795676 Advertiser: NEW WINDSOR, TOWN**

Phone: 8455634615 Sys No: 1194114 Caller: MYRA

**INVOKING CUSTOMER:**

Phone: 8455634615 Sys No: 1194114 AcctNo: P.O. No:

Name: NEW WINDSOR, TOWN Subscriber:

Address: ZONING AND PLANNING

555 UNION AVENUE

NEW WINDSOR NY 12553

**ORDER:**

Printed By: THRFODORN Date: 09/06/2005 Assigned Sales: TownofNewWindsor ZONINGBOARDOFAPPEALS P AdType: LINER Order Type: NORMAL

Manual Delay: Box No: Call Back: Y

**NOTES:**

Change Reason:

**INSERTION:**

Product: THI Paper: TH Class: 999X; LEGAL BILLING

Schedule: Start Date - 09/10/2005 End Date - 09/10/2005

Sort: TOWN OF NEW WINDSORZONING BOARD OF APPEA

**PRODUCTION:**

Text Size: 2 x 26.00 ProdType: ENTERPRISE ColorNo: 0 Colors:

Tear sheets: 1 Proofs: 0 Affidavits: 1 Alt Addr: N

**PRICING:**

Price: 48.22 Payment Method: BI Amount Paid: 0 Amount Owed: 48.22

PriceMethod: 0 (0=Normal, 1=User Met, 2=System Gross) Rate Code: LEL

For fields listed below 0 = NO 1 = YES

Till Forbid: 0 Mult. Content: 0



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4689

## ZONING BOARD OF APPEALS

September 13, 2005

Patriot Plaza Associates, LLC  
One Executive Blvd.  
Yonkers, NY 10701

SUBJECT: REQUEST FOR VARIANCE #05-53

Dear Sir:

This is just to let you know your Notices for Public Hearing were mailed out and the notice was also sent to The Times Herald Record Newspaper for publication. **PLEASE NOTE: The charge for publication in the Times Herald Record will be deducted from your escrow that was posted with your application papers.**

Your Public Hearing before the Zoning Board of Appeals for your requested variance at:

337 Union Avenue  
New Windsor, NY

is scheduled for the September 26, 2005 agenda.

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have any questions or concerns in this matter, please feel free to contact me.

Very truly yours,

---

Myra Mason, Secretary  
Zoning Board of Appeals

MLM:mlm

cc: Daniel P. Simone, P.E.  
33 Main Street  
South Salem, NY 10590



August 22, 2005

**P.B.#**

## PROXY

GANN \_\_\_\_\_  
LOCEY \_\_\_\_\_  
BROWN \_\_\_\_\_  
MCDONALD \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_  
REIS \_\_\_\_\_  
KANE \_\_\_\_\_

CARRIED: Y ✓ N       

**CARRIED: Y\_\_\_\_\_N\_\_\_\_\_.**

[illegible]



**Town of New Windsor**  
555 Union Avenue  
New Windsor, NY 12553  
(845) 563-4611

**RECEIPT**  
**#763-2005**

08/16/2005

Patriot Plaza LLC ZBA #05-53

Received \$ 150.00 for Zoning Board Fees, on 08/16/2005. Thank you for  
stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

**Deborah Green**  
Town Clerk

**TOWN OF NEW WINDSOR**  
**ZONING BOARD OF APPEALS**

**RECEIPT OF ESCROW RECEIVED:**

DATE RECEIVED: 08-16-05

FOR: **ESCROW 05-53**

FROM:

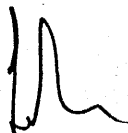
**Patriot Plaza Associates, LLC**  
**One Executive Blvd.**  
**Yonkers, NY 10701**

CHECK NUMBER: **3102**

TELEPHONE: **914-965-3990**

AMOUNT: **500.00**

RECEIVED AT COMPTROLLER'S OFFICE BY:

  
\_\_\_\_\_  
NAME

8/16/05  
\_\_\_\_\_  
DATE

PLEASE RETURN ONE SIGNED COPY TO MYRA FOR FILING

THANK YOU



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4689

## ZONING BOARD OF APPEALS

August 16, 2005

Patriot Plaza Associates, LLC  
One Executive Blvd.  
Yonkers, NY 10701

SUBJECT: REQUEST FOR VARIANCE #05-53

Dear Sir:

This letter is to inform you that you have been placed on the August 22, 2005 agenda for the Zoning Board of Appeals to discuss your request for a variance at:

337 Union Avenue  
New Windsor, NY

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have a problem with this time and/or date, please contact me at the above number and we will reschedule your appearance. If you have any further questions, please feel free to contact me.

Very truly yours,

---

Myra Mason, Secretary  
Zoning Board of Appeals

MLM:mlm

cc: Daniel P. Simone, P.E.  
33 Main Street  
South Salem, NY 10590

**TOWN OF NEW WINDSOR**  
**REQUEST FOR NOTIFICATION LIST**

DATE: 08-16-05 PROJECT NUMBER: ZBA# 05-53 P.B. # \_\_\_\_\_

APPLICANT NAME: PATRIOT PLAZA ASSOCIATES, LLC

PERSON TO NOTIFY TO PICK UP LIST:

Daniel P. Simone, P.E.  
33 Main Street  
South Salem, NY 10590

TELEPHONE: 914-965-3990

TAX MAP NUMBER: SEC. 4 BLOCK 2 LOT 21.12  
SEC. \_\_\_\_\_ BLOCK \_\_\_\_\_ LOT \_\_\_\_\_  
SEC. \_\_\_\_\_ B LOCK \_\_\_\_\_ LOT \_\_\_\_\_

PROPERTY LOCATION: 337 UNION AVENUE  
NEW WINDSOR

THIS LIST IS BEING REQUESTED BY:

NEW WINDSOR PLANNING BOARD: \_\_\_\_\_

SITE PLAN OR SUBDIVISION: (ABUTTING AND ACROSS ANY STREET) \_\_\_\_\_

SPECIAL PERMIT ONLY: (ANYONE WITHIN 500 FEET) \_\_\_\_\_

AGRICULTURAL DISTRICT:  
(ANYONE WITHIN THE AG DISTRICT WHICH IS WITHIN 500'  
OF SITE PLAN OR SUBDIVISION PROJECT) \_\_\_\_\_

❖ ❖

NEW WINDSOR ZONING BOARD XXX

LIST WILL CONSIST OF ALL PROPERTY WITHIN 500 FEET OF PROJECT XXX

❖ ❖

AMOUNT OF DEPOSIT: 25.00 CHECK NUMBER: 3104

TOTAL CHARGES: \_\_\_\_\_



**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**



**APPLICATION FOR VARIANCE**

8/3/05

Date

Application Type: Use Variance ☐ Area Variance ☒  
Sign Variance ☐ Interpretation ☐

**I. Owner Information:**

Patriot Plaza Associates, LLC

(Name)

One Executive Blvd, Yonkers, New York 10701

(Address)

Phone Number: (914) 965-3990

Fax Number: (914) 423-4526

**II. Applicant:**

Same As Above

(Name)

Phone Number: ( )

Fax Number: ( )

(Address)

**III. Forwarding Address, if any, for return of escrow:**

Same As Above

(Name)

Phone Number: ( )

Fax Number: ( )

(Address)

**IV. Contractor/Engineer/Architect/Surveyor/:**

Daniel P. Simone, P.E.

(Name)

33 Main Street, South Salem, New York 10590

(Address)

Phone Number (914) 965-3990

Fax Number: (914) 423-4526

**V. Property Information:**

Zone: P.U.D. Property Address in Question: 337 Union Avenue

Lot Size: 11.24 acres Tax Map Number: Section 4 Block 2 Lot 21.12

a. What other zones lie within 500 feet? NC, R4, R5

b. Is pending sale or lease subject to ZBA approval of this Application? No

c. When was property purchased by present owner? 1/1/05

d. Has property been subdivided previously? Yes If so, When: 8/9/02 Filed Map No. 185-02

e. Has an Order to Remedy Violation been issued against the property by the  
Building/Zoning/Fire Inspector? No

f. Is there any outside storage at the property now or is any proposed? No

**\*\*\*\*PLEASE NOTE:\*\*\*\*\***

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**

COMPLETE THIS PAGE ☐

**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**

**APPLICATION FOR VARIANCE - continued**

**VIII. AREA VARIANCE: (This information will be on your Building Department Denial form you receive)**

Area Variance requested from New Windsor Zoning Local Law,

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area			
Min. Lot Width			
Reqd. Front Yd.			
Reqd. Side Yd.			
Reqd. Rear Yd.			
Reqd. St Front*			
Max. Bldg. Hgt.	35'	47'	12'
Min. Floor Area*			
Dev. Coverage*			
Floor Area Ration**			
Parking Area			

\*Residential Districts Only

\*\*Non-Residential Districts Only

**PLEASE NOTE:**

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**

**COMPLETE THIS PAGE ☐**

**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**

**APPLICATION FOR VARIANCE - continued**

- IX. In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:

The height variance is requested in order to construct  
a cupola on the roof for the retail building. The cupola was added to the roof  
to break up the expanse of the roof and to tie into the period styling of the  
cupola on the Epiphany School building which sits on the hill overlooking the  
retail center.

**PLEASE NOTE:**

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**

**COMPLETE THIS PAGE ☐**

**XII. ADDITIONAL COMMENTS:**

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)  
All highest quality materials are being used, ie: real brick for building facades, belgian block curbing for parking areas and extensive landscaping (see landscape plan)

**XIII. ATTACHMENTS REQUIRED:**

- ☐ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.  
☒ Copy of site plan or survey (if available) showing the size and location of the lot, buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.  
☐ Copies of signs with dimensions and location.  
☐ Three checks: (each payable to the TOWN OF NEW WINDSOR)  
☒ One in the amount of \$ 300.00 or 500.00 , (escrow)  
☒ One in the amount of \$ 50.00 or 150.00 , (application fee)  
☒ One in the amount of \$ 25.00 , (Public Hearing List Deposit)  
☒ Photographs of existing premises (5 or 6) from several angles. (IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER – PLEASE SUBMIT FOUR (4) SETS OF THE PHOTOS.)

**XIV. AFFIDAVIT.**

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE )

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variances granted if the conditions or situation presented herein are materially changed.

Sworn to before me this:

3<sup>rd</sup> day of August 2005.

**SUSAN NEGRO**  
Notary Public State of New York  
No. 01NE8012504  
Qualified in Rockland County  
Commission Expires 8/31/2006

Signature and Stamp of Notary

[Signature]  
Owner's Signature (Notarized)

Mark Eickelbeck

Owner's Name (Please Print)

Applicant's Signature (If not Owner)

**PLEASE NOTE:**

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**

COMPLETE THIS PAGE ☐



**APPLICANT/OWNER PROXY STATEMENT**  
**(for professional representation)**

for submittal to the:  
**TOWN OF NEW WINDSOR ZONING BOARD OF APPEALS**

Mark Rickelbeck, deposes and says that he resides  
(OWNER)  
at 14 Day Road, Armonk, N.Y. in the County of Westchester  
(OWNER'S ADDRESS)

and State of New York and that he is the owner of property tax map  
(Sec.        Block        Lot       )  
designation number (Sec. 4 Block 2 Lot 21.12) which is the premises described in  
the foregoing application and that he authorizes:

\_\_\_\_\_  
(Applicant Name & Address, if different from owner)

Daniel P. Simone, P.E. 33 Main Street, South Salem, N.Y. 10550

\_\_\_\_\_  
(Name & Address of Professional Representative of Owner and/or Applicant)

to make the foregoing application as described therein.

Date: August 3, 2005

\*\*

[Signature]  
Owner's Signature (MUST BE NOTARIZED)

Sworn to before me this:

3rd day of August 2005

SUSAN NEGRO  
Notary Public State of New York  
No. 01NE6912504  
Qualified in Rockland County  
Commission Expires 8/31/2006

\_\_\_\_\_  
Applicant's Signature (If different than owner)

[Signature]  
Representative's Signature

[Signature]  
Signature and Stamp of Notary

**THIS FORM IS TO BE COMPLETED ONLY IF SOMEONE OTHER THAN THE PROPERTY OWNER WILL BE APPEARING AS REPRESENTATION OF THE OWNER AT THE ZBA MEETINGS.**

**\*\* PLEASE NOTE:**

**ONLY OWNER'S SIGNATURE MUST BE NOTARIZED.**

COMPLETE THIS PAGE ☐

**OFFICES OF THE UNDERSIGNED**

ONE EXECUTIVE BOULEVARD  
YONKERS, N.Y. 10701  
TELEPHONE - 914-965-3990

August 3, 2005

Ms. Myra Mason  
Zoning Board of Appeals  
Town of New Windsor  
555 Union Ave  
New Windsor, NY 12553

Re: Height Variance Request-Cupola  
Patriot Plaza-Retail Building No.1  
Windsor Highway and Union Avenue  
Town of New Windsor

Dear Ms. Mason,

Enclosed herewith please find the following application material in support of the above request:

- Application for Variance and Application fees (1 copy)
- Proposed Elevations & Cupola details (4 copies)
- Photos of existing building under construction (4 copies)
- Amended site plan (4 copies)
- Amended landscape plan (4 copies)

Please place this matter on the earliest agenda for a preliminary meeting with the Zoning Board of Appeals.

Thank you for all your assistance in this matter. If you are in need of anything further please do not hesitate to contact me.

Yours truly,

Patriot Plaza Associates, LLC

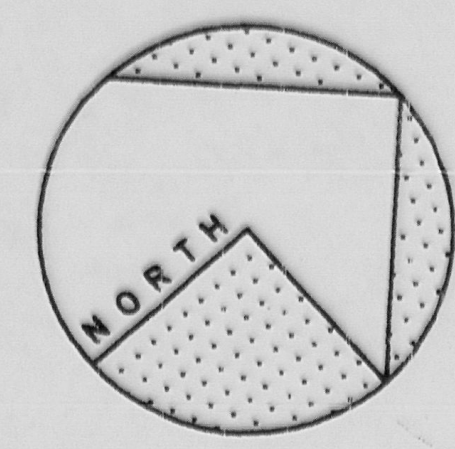


Daniel P. Simone, P.E.

Cc: Mark Eickelbeck  
w/enclosures

Tom Perna  
w/enclosures



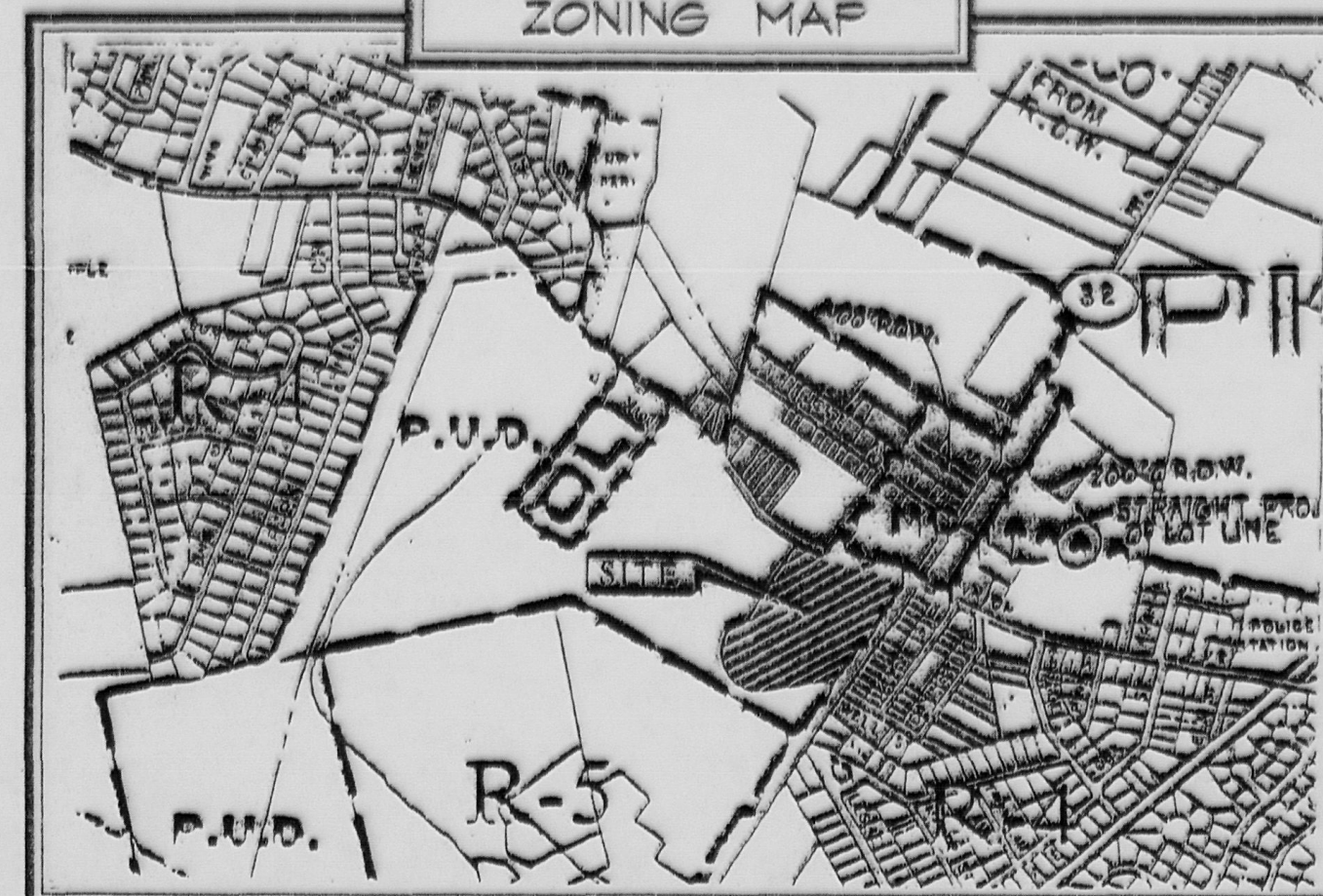


LANDS OF  
RFA ASSOCIATES, LLC  
PARCEL A  
PROPOSED FOR  
DEDICATION TO  
TOWN OF NEW WINDSOR

### NOTES

1. RECORD OWNER & APPLICANT: RFA ASSOCIATES, LLC  
EXECUTIVE BOULEVARD  
YONKERS, NEW YORK 10701
2. ZONE: PLANNED UNIT DEVELOPMENT (P.U.D.)
3. PARCEL AREA: 11.24 ACRES
4. TAX MAP DESIGNATION: SECTION 4, BLOCK 2, LOT 2112
5. THE LOCATIONS OF EXISTING UTILITIES ARE TO BE CONSIDERED AS APPROX. PRIOR TO EXCAVATION THE CONTRACTOR SHALL VERIFY THEIR LOCATIONS AND ELEVATIONS.
6. A STOP BAR AND STRIPING SHALL BE PROVIDED AT ALL INTERSECTIONS BETWEEN SECONDARY AISLES WITH PRIMARY AISLES.

### ZONING MAP



### LEGEND

EXISTING	NEW
2' CONTOUR	FINISHED GRADE
10' CONTOUR	CATCH BASIN
BOUNDARY	FLUSHING BASIN
ADJ. PROPERTY LINE	SANITARY MANHOLE
CATCH BASIN	SANITARY DROP MANHOLE
FLUSHING BASIN	VALVE
SANITARY MANHOLE	HYDRANT
HYDRANT	FLARED END SECTION
WATER VALVE	MASONRY RETAINING WALL
UTILITY POLE	GRASS DIVERSION SHALE
CHAIN LINK FENCE	WOODED LINE
WOODED LINE	MACADAM PAVEMENT

### ZONING SCHEDULE

NEIGHBORHOOD RETAIL CENTER - ZONE: P.U.D. (PLANNED UNIT DEVELOPMENT)

BULK REGULATIONS	REQUIRED	PROVIDED
MIN. LOT AREA		11.24 ACRES
MIN. LOT WIDTH		892 FT.
FRONT YARD DEPTH		64 FT.
SIDE YARD WIDTH - ONE		-
SIDE YARD WIDTH - TWO		52 FT.
REAR YARD DEPTH		35 FT.
MAX. BLDG. HEIGHT		012
FLOOR AREA RATIO		0.12
DEVELOPMENT COVERAGE		6.0 %

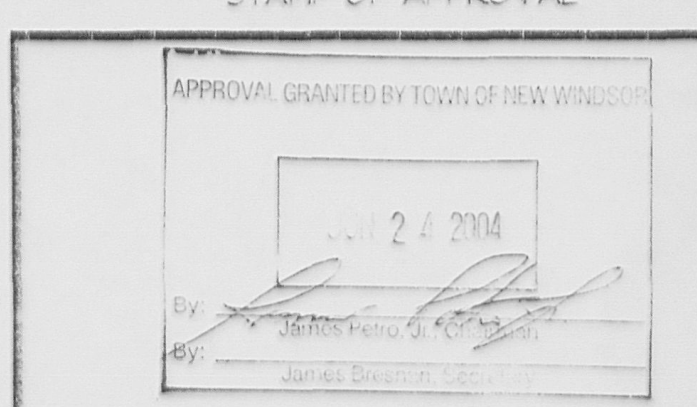
COVERAGES	REQUIRED	PROVIDED
BUILDING COVERAGE % OF TOTAL AREA	17.0 ACRES 15.0 %	
PAVEMENT COVERAGE % OF TOTAL AREA	5.65 ACRES 50.2 %	
OPEN SPACE COVERAGE % OF TOTAL AREA	5.54 ACRES 54.2 %	

OFFSTREET PARKING	REQUIRED	PROVIDED
RETAIL BUILDING NO. 1	15,000 S.F.	
RETAIL BUILDING NO. 2	4,875 S.F.	
RETAIL BUILDING NO. 3	17,500 S.F.	
RETAIL BUILDING NO. 4	24,000 S.F.	
RETAIL BUILDING NO. 5	10,000 S.F.	
RETAIL BUILDING NO. 6	15,425 S.F.	
15.5 SPACES PER 1,000 S.F. OF GROSS FLOOR AREA		
74,800 S.F. / 15.5 SPACES PER 1,000 S.F.	416 SPACES	416 SPACES

### SITE PLAN AMENDMENTS NOTES

1. THIS SITE PLAN IS AN AMENDMENT TO NEW WINDSOR PLANNING BOARD APPLICATION NO. 92-56 THAT WAS APPROVED BY THE PLANNING BOARD ON JANUARY 3, 1993 AND RE-APPROVED JUNE 27, 2001. THIS AMENDED SITE PLAN MODIFIES DIMENSIONS AND LOCATIONS OF TWO OF THE THREE PREVIOUSLY APPROVED BUILDINGS.
2. THE ORIGINAL SITE PLAN WAS APPROVED FOR A TOTAL OF 74,800 S.F. OF RETAIL SPACE WITHIN THREE BUILDINGS AND THIS AMENDED SITE PLAN IS FOR A TOTAL OF 75,425 S.F. OF RETAIL SPACE ALSO WITHIN THREE BUILDINGS.
3. ALL CONDITIONS AND REQUIREMENTS OF THE ORIGINAL SITE PLAN REMAIN IN FULL FORCE AND EFFECT OTHER THAN THE MODIFICATIONS INDICATED ON THE AMENDED SITE PLAN.

TOWN OF NEW WINDSOR PLANNING BOARD  
STAMP OF APPROVAL



**Shaw Engineering**  
Consulting Engineers

744 Broadway Newburgh, N.Y. 12550

UNAUTHORIZED ALTERATION OR ADDITION TO THIS DOCUMENT IS A VIOLATION OF SECTION 7205-2 OF THE NEW YORK STATE EDUCATION LAW

COPIES FROM THE ORIGINAL OF THIS DOCUMENT WITHOUT A FACSIMILE OF THE SIGNATURE AND AN ORIGINAL OF THE STAMP OR EMBOSSED SEAL OF THE PROFESSIONAL ENGINEER SHALL NOT BE CONSIDERED VALID TRUE COPIES.

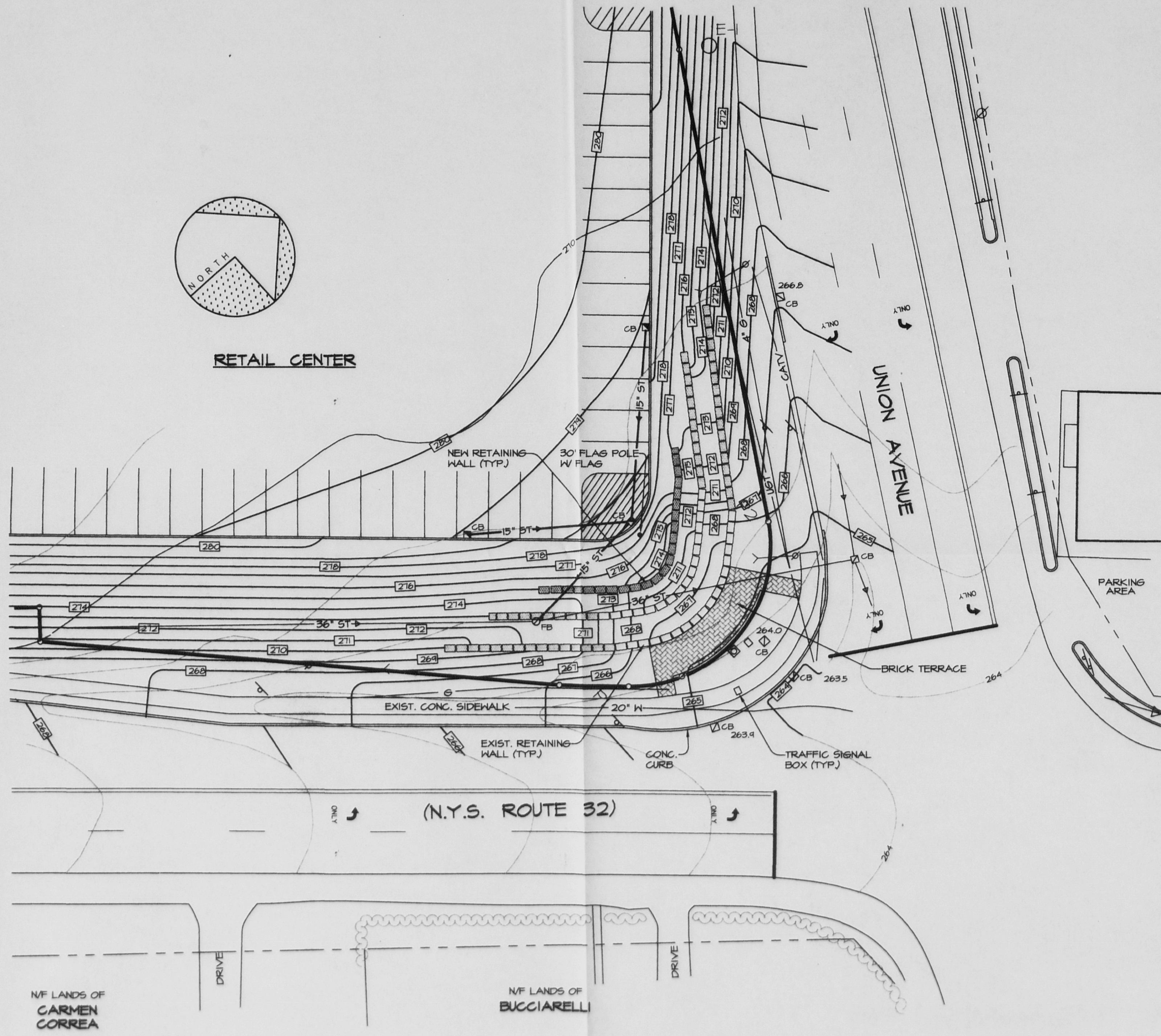
COPYRIGHT 2004 SHAW ENGINEERING

Drawn By: J.R.J.  
Checked By: G.J.S.  
Scale: 1"=40'  
Date: 3-25-2004

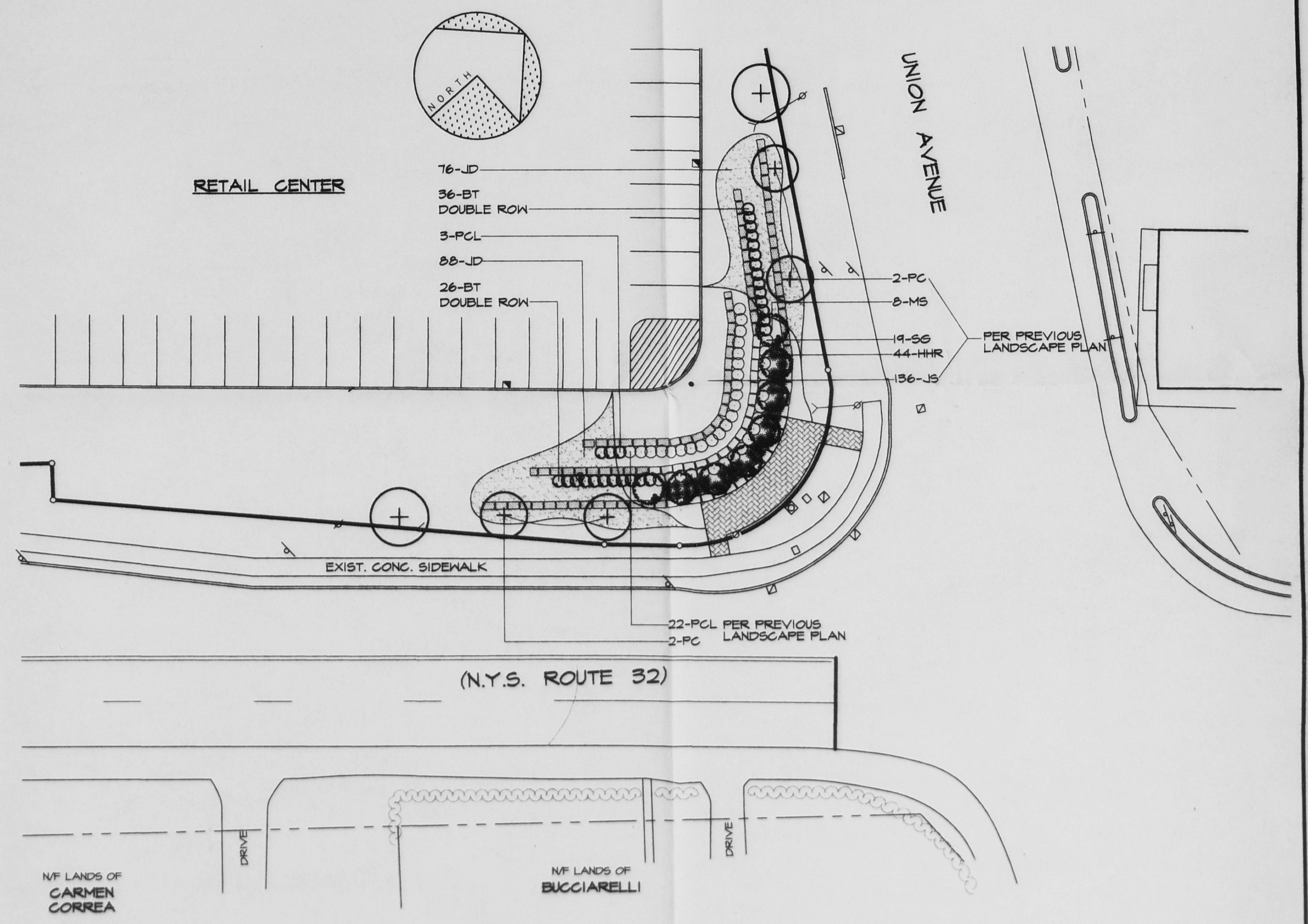
Project: RETAIL CENTER  
RFA ASSOCIATES, LLC  
WINDSOR HIGHWAY TOWN OF NEW WINDSOR, NY

1 OF 2  
Project No: 9804





PLANT LIST					
KEY	BOTANICAL NAME	COMMON NAME	QUANTITY	SIZE	REMARKS
BT	BERBERIS THUNBERGI CRIMSON PYGMY	PYGMY BARBERRY	62	18-21" HT.	3 GAL. CONT. FULL, WELL BRANCHED
JD	JUNIPERUS DAURICA EXPANSA	PARSONS JUNIPER	164	18" - 24" SPD.	3 GAL. CONT. FULL & DENSE
PPC	PYRACANTHA COCCONEA LOWBOY	LOWBOY FIRETHORN	3	18-24" SPD.	5 GAL. CONT. FULL & DENSE

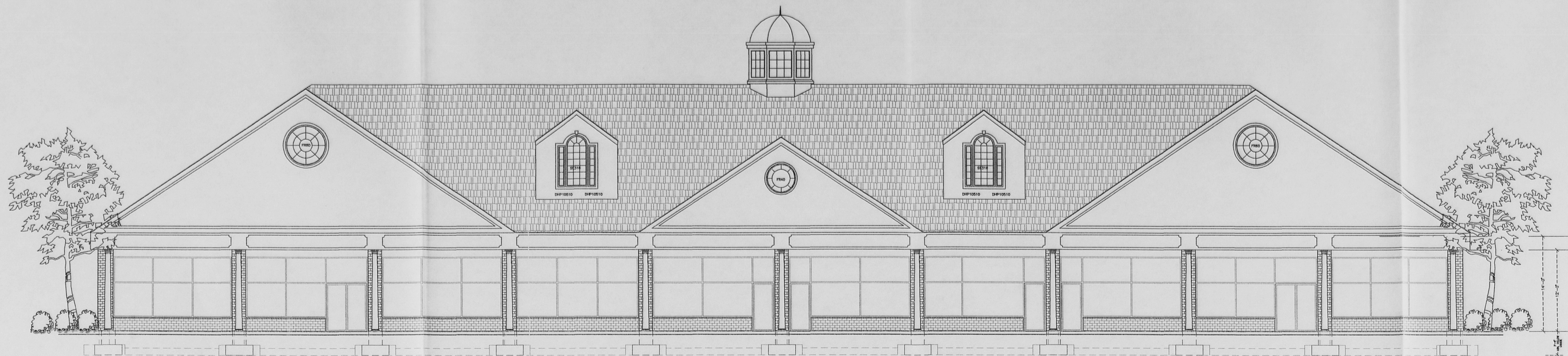


**Shaw Engineering**  
Consulting Engineers  
744 Broadway Newburgh N.Y. 12550

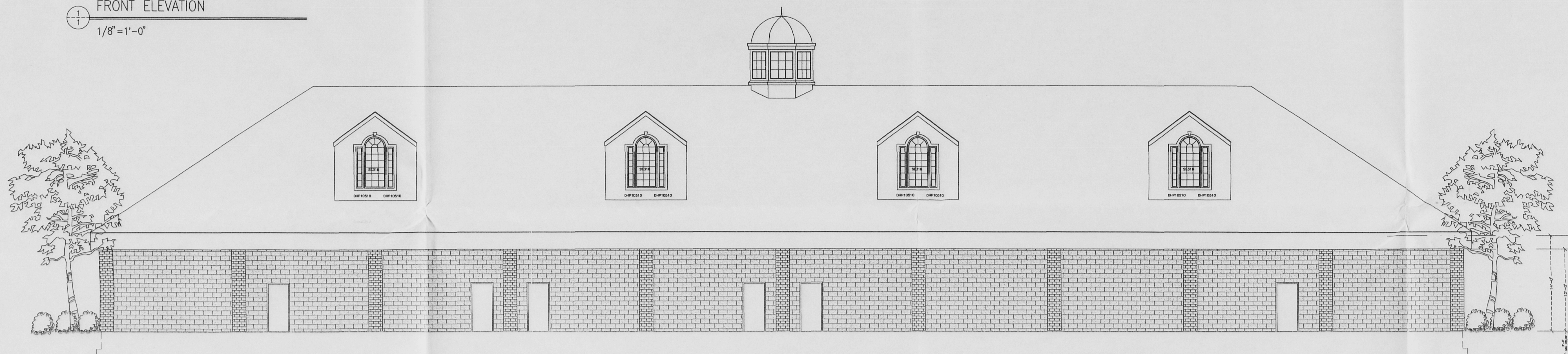
WILLIAM JOHNSON - LANDSCAPE ARCHITECT  
2350 CLEARVIEW AVE.  
SOUTHOLD, N.Y. 11971  
516-765-1793

Drawn By: WWJ  
Checked By: \_\_\_\_\_  
Scale: 1"=20'  
Date: 7-25-2005  
Project: **AMENDED LANDSCAPE PLAN - WINDSOR HIGHWAY / UNION AVE INTERSECTION**  
**RPA ASSOCIATES, LLC**  
WINDSOR HIGHWAY TOWN OF NEW WINDSOR, N.Y.  
1 OF 1  
Project No. 9904

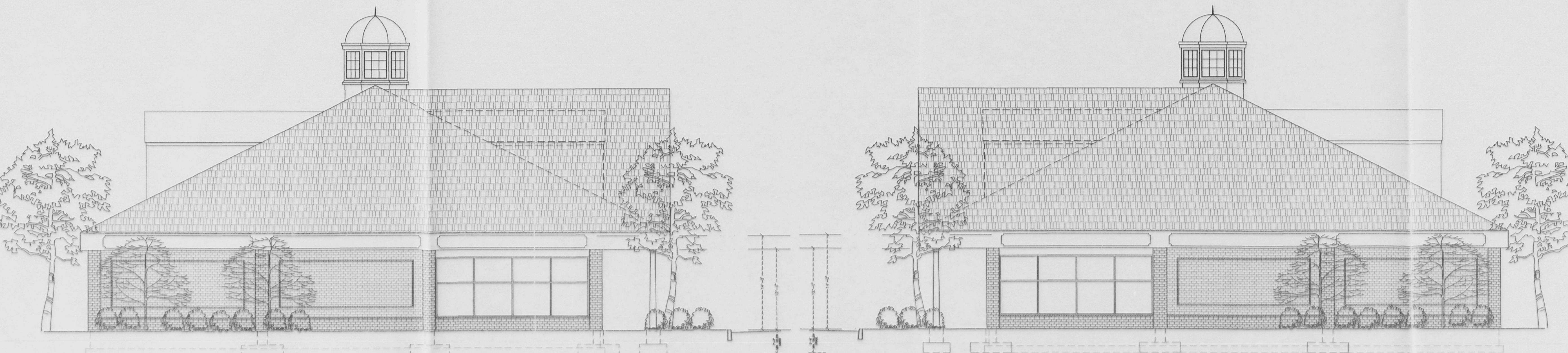




FRONT ELEVATION  
1/8" = 1'-0"



REAR ELEVATION  
1/8" = 1'-0"



LEFT ELEVATION  
1/8" = 1'-0"

RIGHT ELEVATION  
1/8" = 1'-0"

## REVISIONS

DESCRIPTION	DATE

DANIEL P. SIMONE, P.E.  
CONSULTING ENGINEER

33 MAIN STREET  
SOUTH SALEM, NY 10590  
Tel. 914.965.3990  
Fax. 914.425.4526

ISSUE DATE:

Issued For Design Review 09.23.04

Issued For Planning Board 09.23.04

### NOTE:

1. UNAUTHORIZED ADDITIONS, ALTERATIONS OR USE OF THIS PLAN IS A VIOLATION OF SECTION 7209, SUBDIVISION 2 OF THE NEW YORK STATE EDUCATION LAW.
2. THIS PLAN SHALL BE NULL & VOID UNLESS BEARING THE ORIGINAL SEAL & SIGNATURE OF THE DESIGN ENGINEER.

RETAIL BUILDING 1  
SHELL ONLY

UNION AVE + ROUTE 9W  
NEW WINDSOR, NY

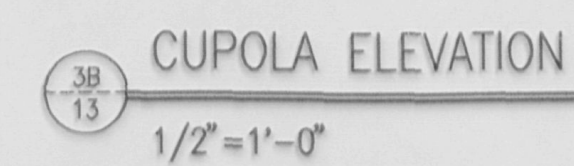
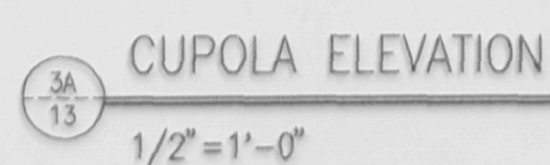
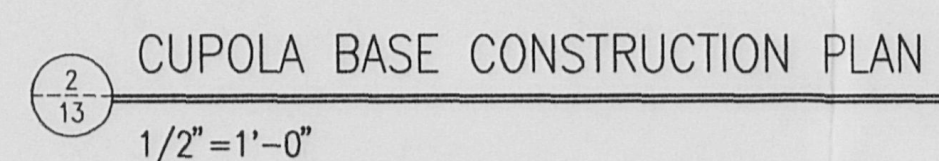
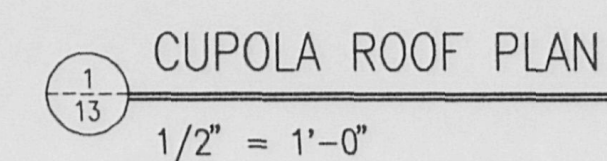
SECTION:  
BLOCK:  
LOT:

Phase VI-Retail Development  
Building 'A'  
Exterior Elevations  
SHEET:

OF:

1  
2



13  
13